



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 23, 1985

LEGISLATIVE REFERRAL MEMORANDUM

LEGISLATIVE LIAISON

95-2122

SPECIAL

TO: Department of Justice
Department of State
Department of the Treasury
Department of Defense
Central Intelligence Agency ✓

SUBJECT: S. 1383, a bill "To protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony;" and S. 1373, a bill "To amend title 18, United States Code, to authorize prosecution of terrorists and others who attack United States Government employees abroad, and for other purposes."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than
July 26, 1985. A hearing on these bills is scheduled for 7/30/85.

Direct your questions to Gregory Jones (395-3454), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: A. Curtis
R. Neely
F. Kalder

(7/3) SJ

II

99TH CONGRESS
1ST SESSION

S. 1383

To protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony.

IN THE SENATE OF THE UNITED STATES

JUNE 27 (legislative day, JUNE 26), 1985

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) chapter 44 of title 18, United States Code, is
4 amended by adding at the end thereof the following:

5 "§ 930. Foreign diplomats

6 "(a) It shall be unlawful for—

7 "(1)(A) any member of a foreign diplomatic mis-
8 sion in the United States entitled to immunity from the

1 criminal jurisdiction of the United States under the
2 provisions of the Vienna Convention on Diplomatic Re-
3 lations, done on April 18, 1961; or

4 "(B) any member of a foreign consular post in the
5 United States entitled to immunity from the criminal
6 jurisdiction of the United States under the provisions of
7 the Vienna Convention on Consular Relations, done on
8 April 24, 1963,

9 to use a firearm to commit any act constituting a felony
10 under the criminal laws of the United States or any State.

11 "(b) Whoever violates this section shall be punishable by
12 a fine of \$10,000 or by imprisonment for 10 years, or both.

13 "(c) For purposes of this section—

14 "(1) the term 'member of a foreign diplomatic
15 mission' includes any individual described by Article
16 1(b) of the Vienna Convention on Diplomatic Rela-
17 tions, done on April 18, 1961; and

18 "(2) the term 'member of a foreign consular post'
19 includes any individual described by Article 1(g) of the
20 Vienna Convention on Consular Relations, done on
21 April 24, 1963."

22 (b) The analysis for chapter 44 of title 18 United States
23 Code is amended by adding at the end thereof the following:

"930. Foreign diplomats."

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99TH CONGRESS
1ST SESSION

S. 1373

STJdy
7/31

To amend title 18, United States Code, to authorize prosecution of terrorists and others who attack United States Government employees abroad, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27 (legislative day, JUNE 26), 1985

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to authorize prosecution of terrorists and others who attack United States Government employees abroad, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Protection of United
4 States Government Personnel Act of 1985".

5 SEC. 2. (a) Part I of title 18, United States Code, is
6 amended by inserting after chapter 113 the following:

1 **"CHAPTER 113A—TERRORIST ACTS AGAINST**
2 **UNITED STATES GOVERNMENT EMPLOYEES**
3 **ABROAD**

"Sec.

"2331. Terrorist acts against United States Government employees abroad.

4 **"§ 2331. Terrorist acts against United States Government**
5 **employees abroad**

6 **"(a) Whoever kills or attempts to kill in any foreign**
7 **country, or in international waters or air space, any citizen of**
8 **the United States shall, if found guilty in a court of the**
9 **United States, be sentenced to any term of years or imprison-**
10 **ment for life, and any such person found guilty of attempted**
11 **murder shall be imprisoned for not more than 20 years.**

12 **"(b) Whoever assaults, strikes, wounds, imprisons or**
13 **makes any other violent attack upon the person or liberty of**
14 **any citizen of the United States in any foreign country or in**
15 **international waters or air space, or, if likely to endanger his**
16 **or her person or liberty, makes violent attacks upon his or**
17 **her official premises, private accommodation, or means of**
18 **transport, or attempts to commit any of the foregoing, shall**
19 **be fined not more than \$5,000 or imprisoned not more than**
20 **three years, or both. Whoever in the commission of any such**
21 **act uses a deadly or dangerous weapon shall be fined not**
22 **more than \$10,000 or imprisoned not more than ten years, or**
23 **both.**

1 “(c) The United States may exercise jurisdiction over
 2 the alleged offense if the alleged offender is present in the
 3 United States, irrespective of the place where the offense
 4 was committed or the nationality of the victim or the alleged
 5 offender, or the manner in which the alleged offender was
 6 brought before the court.

7 “(d) In enforcing subsections (a) and (b), the Attorney
 8 General may request and shall receive assistance from any
 9 Federal, State, or local agency, including the Army, Navy,
 10 and Air Force, the Federal Bureau of Investigation and the
 11 Central Intelligence Agency, any statute, rule, or regulation
 12 to the contrary notwithstanding.”.

13 (b) The table of chapters for part I of title 18, United
 14 States Code, is amended by inserting after the item for Chap-
 15 ter 113, the following:

16 **CHAPTER 113A—TERRORIST ACTS AGAINST**
 17 **GOVERNMENT EMPLOYEES ABROAD**

“113A—Terrorist acts against United States Government employees
 abroad 2331”.

